



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING




JENNIFER M. GRANHOLM  
GOVERNOR

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

September 29, 2008

**Memorandum**

**TO:** State Board of Education

**FROM:** Michael P. Flanagan, Chairman 

**SUBJECT:** Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process, e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on waivers approved by the Superintendent since March 11, 2008, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**#R/0939-08 OSE/EIS Mecosta-Osceola Intermediate School District**

**Exemptions:** All districts except Mecosta-Osceola Intermediate School District, Big Rapids, Chippewa Hills, Evart, Morley-Stanwood, Reed City. PSA: Crossroads Charter Academy

**Administrative Rule:** 340.1749a(2) – Elementary level resource program

**Waiver Synopsis:**

Eliminate the caseload limit of 18 and replace with a caseload cap of 23 students. The maximum number of students in the classroom at one time would remain at ten, with the exception of those programs that are departmentalized, which may have an average of ten per period.

**District Rationale:**

- The application was shared with the Parent Advisory Committee (PAC) at the time of submission. Prior to submission, the PAC was informed of the intent of the districts to pursue a renewal of the waiver.
- Caseloads of the resource program teachers were reviewed three times during the 2007-2008 school year (September and February pupil count dates and an arbitrary date of May 13, 2008). Zero teachers operated under the waiver as of the September date, one teacher operated under the waiver as of the February date, and one teacher operated under the waiver as of May 13, 2008.
- An analysis of student progress was completed for any teacher who operated under the waiver during any of the three dates. An analysis of the control group (two teachers from each district) was conducted.
- The Mecosta-Osceola Intermediate School District and its constituent district will continue to monitor student progress in those resource programs affected by the waiver.

**Action:**

Approve for the 2008-2009 school year.

**Recommended waiver period:**

Department approval through June 30, 2009

## **#R/0940-08 OSE/EIS Mecosta-Osceola Intermediate School District**

**Exemptions:** All districts except Mecosta-Osceola Intermediate School District, Big Rapids, Chippewa Hills, Evart, Morley-Stanwood, Reed City. PSA: Crossroads Charter Academy

**Administrative Rule:** 340.1749ab(2) – Secondary level resource program

### **Waiver Synopsis:**

Eliminate the caseload limit of 20 and replace with a caseload cap of 25 students. The maximum number of students in the classroom at one time would remain at ten, with the exception of those programs that are departmentalized, which may have an average of ten per period.

### **District Rationale:**

- The application was shared with the Parent Advisory Committee (PAC) at the time of submission. Prior to submission, the PAC was informed of the intent of the districts to pursue a renewal of the waiver.
- Caseloads of the resource program teachers were reviewed three times during the 2007-2008 school year (September and February pupil count dates and an arbitrary date of May 13, 2008). Nine teachers operated under the waiver as of the September date, eight teachers operated under the waiver as of the February date, and nine teachers operated under the waiver as of May 13, 2008.
- An analysis of student progress was completed for any teacher who operated under the waiver during any of the three dates. An analysis of the control group (two teachers from each district) was conducted.
- The Mecosta-Osceola Intermediate School District and its constituent district will continue to monitor student progress in those resource programs affected by the waiver.

### **Action:**

Approve for the 2008-2009 school year.

### **Recommended waiver period:**

Department approval through June 30, 2009